

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rolando Vasquez	Team: Squad #5	CCRB Case #: 201707527	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 09/13/2017 6:05 AM	Location of Incident: [REDACTED]	Precinct: 48	18 Mo. SOL 3/13/2019	EO SOL 3/13/2019	
Date/Time CV Reported Wed, 09/13/2017 3:24 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 09/13/2017 3:24 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Luis Maldonado	00836	950810	NARCBBX
2. POF Samantha Angelo	11754	950008	NARCBBX
3. DT3 Jeremy Rodriguez	5913	934346	NARCBBX

Officer(s)	Allegation	Investigator Recommendation
A.POF Samantha Angelo	Abuse: Police Officer Samantha Angelo entered and searched § 87(2)(b) in the Bronx.	[REDACTED]
B.DT3 Jeremy Rodriguez	Force: Detective Jeremy Rodriguez used physical force against § 87(2)(b)	[REDACTED]
C.POF Samantha Angelo	Abuse: Police Officer Samantha Angelo refused to provide her name and shield number to § 87(2)(b)	[REDACTED]
D.POM Luis Maldonado	Abuse: Police Officer Luis Maldonado refused to provide his name and shield number to § 87(2)(b)	[REDACTED]

Case Summary

This complaint was filed by § 87(2)(b) on September 13, 2017 by phone with the CCRB. § 87(2)(b) also filed this complaint on September 15, 2017 by phone with IAB.

On September 13, 2017, at approximately 6:05 a.m., § 87(2)(b) and § 87(2)(b) were inside their apartment at § 87(2)(b) in the Bronx. PO Samantha Angelo and a field team consisting of officers from Bronx Narcotics entered and searched the location pursuant to a search warrant she obtained (**Allegation A**). Det. Jeremy Rodriguez allegedly threw § 87(2)(b) to the floor and handcuffed him (**Allegation B**). PO Angelo and PO Luis Maldonado allegedly refused to provide their name and shield numbers to § 87(2)(b) (**Allegation C-D**).

No summonses or arrests resulted from this incident.

There is no video of this incident.

Mediation, Civil and Criminal Histories

- This case was suitable for mediation and it was offered to § 87(2)(b) and § 87(2)(b) during their interviews. They chose to have the complaint investigated.
- A notice of claim request was submitted to the NYC Comptroller's office and will be added to the case file upon its receipt.
- § 87(2)(b) and § 87(2)(b) have no history of any criminal convictions in NYC in the last ten years (BR01-02).

Civilian and Officer CCRB Histories

- This is the first complaint filed by § 87(2)(b) and § 87(2)(b) (BR03-04).
- PO Angelo has been a member of the service for six years and has no substantiated allegations. PO Angelo's only other complaint exists in case 201706222 which is still under investigation § 87(2)(g).
- Det. Rodriguez has been a member of the service for 13 years and has no substantiated allegations. Det. Rodriguez has one prior force allegation which was closed by the Board as complainant uncooperative.
- PO Maldonado has been a member of the service for six years and has no substantiated allegations. § 87(2)(g)

Findings and Recommendations

Explanation of Subject Officer Identification

- Aside from describing him as a male, § 87(2)(b) was unable to describe the officer who allegedly threw him to the floor. PO Angelo and Det. Rodriguez both provided consistent testimony that they were the only ones to enter § 87(2)(b)'s bedroom when he was handcuffed and secured and that Det. Rodriguez handcuffed him while PO Angelo held a ballistic shield. Given that Det. Rodriguez would have been in a position to use the alleged force against § 87(2)(b) and he was the only male officer in the room, Allegation B is pleaded against him.

Allegations not pleaded

- § 87(2)(b) alleged that an officer had his gun pointed at him when he was being handcuffed in his bedroom. Given that officers were executing a search warrant and the pointing of guns is a standard safety precaution when entering a location for this purpose, this allegation is subsumed under the entry allegation and no separate guns pointed allegation has been pleaded.
- § 87(2)(b) and § 87(2)(b) both testified that § 87(2)(b) initially refused requests to sign the search warrant because he could not read it. § 87(2)(b) testified that an officer punched into his own fist when § 87(2)(b) refused. § 87(2)(b) interpreted this to mean that the officer intended to hit § 87(2)(b) for refusing. § 87(2)(b) testified that the only reason he felt intimidated during this incident was because he was handcuffed and fearful he might be arrested. Because § 87(2)(b) did not make this allegation on his own behalf, no threat of force allegation has been pleaded.

Allegation A – Abuse of Authority: Police Officer Samantha Angelo entered and searched § 87(2)(b) in the Bronx.

It is undisputed that officers entered and searched § 87(2)(b) in the Bronx. The officers entered and searched the apartment pursuant to the terms outlined in search warrant § 87(2)(b) (BR05). This warrant was obtained by PO Angelo and was signed by the Honorable § 87(2)(b) on § 87(2)(b). The warrant authorized the search of the entire apartment for evidence of narcotics crimes.

New York State Criminal Procedure Law § 690.50 authorizes officers to enter and search a location when they have obtained a search warrant (BR06).

§ 87(2)(g)

Allegation B – Force: Detective Jeremy Rodriguez used physical force against § 87(2)(b)

§ 87(2)(b) testified that he was asleep in his bedroom when he was awoken by officers entering his apartment (BR07). § 87(2)(b) sat up in his bed to go see what was happening. Multiple officers who § 87(2)(b) could not describe suddenly entered his bedroom. § 87(2)(b) did not make any movements when the officers entered. A male officer immediately grabbed § 87(2)(b) near his chest, pulled him forward, and threw him to the floor. § 87(2)(b) was handcuffed, picked up and brought to the living room. § 87(2)(b) reported that he experienced pain in his shoulders which he attributed to being handcuffed which aggravated a prior injury. § 87(2)(b) did not seek medical treatment.

Det. Rodriguez and PO Angelo both testified that they entered § 87(2)(b)'s room where they found him on his bed (BR08-09). PO Angelo entered the room first carrying a ballistic shield and was followed by Det. Rodriguez who was her bunker security. No other officers entered the

bedroom with them. Det. Rodriguez handcuffed § 87(2)(b) and brought him to the living room. Both officers denied that § 87(2)(b) was ever taken to the floor by any officer.

Det. Rodriguez did not recall if he or PO Angelo issued any commands to § 87(2)(b) when they entered the bedroom. Det. Rodriguez did not recall if § 87(2)(b) did anything when the officers entered. Det. Rodriguez handcuffed § 87(2)(b) but did not recall how he did so. Det. Rodriguez did not recall if § 87(2)(b) physically resisted in any way. Det. Rodriguez denied that he used any force against § 87(2)(b).

PO Angelo described that upon entering the room, § 87(2)(b) was in his bed. The officers told him, “Let us see your hands.” § 87(2)(b) stood up with his hands up and was quickly handcuffed by Det. Rodriguez. § 87(2)(b) was compliant and did not offer any resistance.

PG 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances (BR10).

§ 87(2)(g)
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Allegation C- Abuse of Authority: Police Officer Samantha Angelo refused to provide her name and shield number to § 87(2)(b)

Allegation D – Abuse of Authority: Police Officer Luis Maldonado refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) both testified that they were held in their living room while officers searched the apartment (BR 07, 11). They were informed that the officers were executing a warrant and were looking for drugs. They both told the officers that they did not have any drugs. During their interviews, § 87(2)(b) and § 87(2)(b) expressed suspicions that neighbors were making false reports to the police that they were selling drugs.

§ 87(2)(b) testified that he asked to see the search warrant and it was shown to him. § 87(2)(b) complained repeatedly that he could not read the warrant without his glasses and nobody retrieved his glasses from his bedroom for him. § 87(2)(b) felt intimidated during this incident because he was handcuffed and he was fearful he might be arrested. § 87(2)(b) asked aloud for officers to leave their name and shield numbers. PO Maldonado and PO Angelo were present when he made this request. They said, “Yea, we’ll do it” but never provided their names or shield

Squad: 5

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date